IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3767 OF 2006
AND
CRIMINAL APPLICATION NO.3768 OF 2006

Vasantrao Wamanrao More ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.Ramakant Gaud with Prakash Naik & Ms.Kranti SS Anand for the applicant.

Smt.M.M.Deshmukh APP for the State.

Mr.U.S.Shetty for Respondent No.2.

Coram : R.S.Mohite,J

Date : 16.03.2007.

PC

1. By my order dated 15.12.2006, I had granted interim bail to the present applicant because Senior Counsel appearing on his behalf indicated the applicant's willingness to deposit amount of Rs.1,35,00,000/- to cover the principal and some interest to the respondent no.2-bank. He had indicated to the Court that the applicant's property which was proposed to be sold to ensure such payment is at Ghatkopar. Further statement was made that the purchaser has already given a letter of intent and deposited Rs.15,00,000/- with his Advocate

Mr.Mate and that if bail will be granted then this amount will be deposited in this Court within a period of two weeks from the date of release of the applicant.

2. In the circumstances, based upon such statements made in this Court, interim bail was granted to the applicant. It appears that in pursuance of this order the applicant was released on bail. However, amount of Rs.15,00,000/- were not deposited as per the statement made by the Advocate. Subsequently, on 20.2.2007 when the matter came up before me, the applicant was directed to remain present on the next date. Thereafter, matter appeared before me on 9.3.2007. It was found that the applicant was absent. I had made it clear by my order dated 9.3.2007 that as a matter of last chance, matter is being adjourned to 16.3.2007 and I have abundantly made it clear that if the applicant does not remain present on the next date or does not comply with earlier directions then his application will be liable to be dismissed and he will be required to surrender forthwith. Thereafter the matter appeared on board today. The note filed by the office indicates that the applicant has not deposited the amount as promised. He has also not present in the Court today as per the directions given on earlier two occasions. The Advocate for the applicant makes a statement that the applicant is on his way from

Delhi to Mumbai. When a clear direction was given to the applicant to remain present in the Court, he ought to have made arrangements to remain present in the Court at the time when the application was scheduled in the Court.

3. The Advocate for the applicant states that the property in question at Ghatkopar could not be sold because the keys of the flat are with the police and documents are with the bank. All these submissions ought to have been made when the matter was pressed for bail on 15.12.2006 because at that stage also the Advocate for the bank as well as the Prosecutor were appearing.

4. In my view, all the contentions raised by the applicant are not bonafide. In the circumstances, I am not inclined to entertain this application. The application is therefore, rejected. There will be liberty to apply for bail after the amount of Rs.1,35,00,000/- are ready for deposit. I may state that the applicant has remained outside for sufficient period of time to enable him to execute a power of attorney. The applicant is therefore, directed to surrender within a period of one week from today. Consequent to the dismissal of the main application, all interim applications which have been made in this application are also dismissed. On the applicant’s surrender his bail bond to stand

cancelled and cash bail to be refunded. If the applicant fails to surrender within one week, the cash bail amount to stand forefeited and the trial Court to issue a non bailable warrant for his arrest.

(R.S.Mohite,J)